

# New York State's parole system is broken

State law gives parole commissioners the discretion to deny release based on someone's original crime, even if the person no longer represents a public safety threat.

In 2019, New York State's parole release rate was 40 percent, and in 2020—a year that demanded decarceration in the name of public health and safety—the rate increased by just one percentage point. Current parole release criteria, listed in Executive Law §259-i, allows commissioners to ignore ample evidence supporting someone's readiness for release and deny parole based solely on the original crime. As a result, many New Yorkers are held behind bars based on who they were decades ago with no acknowledgement of who they are now.

## Denials ignored ample evidence of parole-seekers' readiness for release

The Vera Institute of Justice analyzed 168 parole transcripts from 2009 to 2021, all ending in denial, from 122 people serving life sentences who submitted their transcripts to the Parole Preparation Project. To read Vera's full analysis, visit [vera.org/publications/toward-a-fairer-parole-process](https://vera.org/publications/toward-a-fairer-parole-process). The analysis showed that:

- **People demonstrated their readiness for release in a variety of compelling ways.** In 85 percent of transcripts, people had low risk scores for future violence and arrest. Seventy-four percent presented detailed release plans with arrangements for securing housing and employment. Ninety-two percent provided strong letters of support from family, friends, corrections staff, and reentry service providers.
- **Nevertheless, the board denied parole for all.** The board cited the original crime as a main reason for denial in nine out of 10 interviews and as the sole reason for denial in six out of 10 interviews. Crime severity is already considered by the trial judge at the time of sentencing. Parole commissioners' reasoning ignored the considerable punishment people had already endured. It also failed to account for their many accomplishments while incarcerated.

## New York must rethink its parole process now

New Yorkers deserve a just parole system that presumes release unless someone poses a clear and current public safety threat. To enable New York to safely release more people back to their families and communities, Vera recommends:

- **The legislature should amend Executive Law §259-i to presume release.** In line with states like Hawai'i, Michigan, and New Jersey, New York's parole board should presume release unless someone poses a current public safety threat.
- **The governor and state legislature should recruit parole commissioners with backgrounds in community-based services and expertise in public health, evidence-based violence prevention, and reentry programs.** This knowledge will help provide a valuable perspective to the board on whom to release and when.
- **The governor and state legislature should increase transparency surrounding the parole commissioner nomination and confirmation process.** The current processes are opaque and allow for little oversight. Publishing clear guidelines for nominating and confirming commissioners will enable greater accountability.
- **The governor should fully staff the parole board.** Parole commissioners are overwhelmed; each commissioner attends more than 1,000 interviews per year, which is more than four times higher than that of commissioners in many other states. A fully staffed board will reduce delays and deliver prompt decisions to more parole-seekers.
- **New York's Department of Corrections and Community Supervision (DOCCS) should increase data transparency regarding individual commissioners' parole release rates and racial disparities in decisions.** To address racial disparities in parole release rates, DOCCS should analyze and publish data to ensure that board members are granting parole at reasonably similar rates and are not denying Black New Yorkers and other New Yorkers of color more frequently than white ones.